

MAY-25-2003 12:17

SQUIRE SANDERS DEMPSEY

8508438777 P.01/09

**SQUIRE
SANDERS**

LEGAL
COUNSEL
WORLDWIDE

SQUIRE, SANDERS & DEMPSEY L.L.P.

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If Problems: +1._____._____._____

#16 Ref for
Refund

May 6, 2003

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To: Latrice Sims

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Confirmation No: (703) 305-4229

From: Marc A. Sockol

Direct Dial No: +1.650.843.3392

E-mail: msockol@ssd.com

Re: Request for Refund for Deposit Account No. 05-0150

Message:

Please see attached.

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Sender No.: 07608

91046.00888

Sandy Yi

Job No:

Account No.

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PATENT
Attorney Docket No.: 50642.00002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this paper is, on the date shown below, being transmitted via facsimile to the U.S. Patent and Trademark Office,
Attn: Ms. Latrice Sims, (703) 308-5077.

Date: May 6, 2003By: Sandy Yi
Sandy Yi

In re Application of:	
Mark E. Pennell, et al.	Examiner: Nguyen, Quang N.
Serial No.: 09/437,812	Art Unit: 2141
Filed: November 10, 1999	
Title: A WEB BASED EMAIL CONTROL CENTER	

Attn: Refund Section, Accounting Division, Office of Finance
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)**

Sir:

Applicants respectfully request a refund of an incorrect charge to Deposit Account No. 05-0150, as identified on the enclosed statement dated April 30, 2003, for the above-identified patent application. For convenience, we circled the error on the statement.

FEES CHARGES FOR WHICH REFUND IS REQUESTED

On April 8, 2003, the USPTO charged \$110.00 for Extension for response within first month (Fee Code 1251) to Deposit Account No. 05-0150 for Attorney Docket No. 50642.00002 (Serial No. 09/437,812). Accordingly, we respectfully request refund of the \$110.00 charged.

PATENT
Attorney Docket No.: 50642.00002

EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

On March 25, 2003, Daryl C. Josephson of Squire, Sanders & Dempsey, L.L.P. filed a Response to Restriction Requirement and associated documents with the U.S. Patent and Trademark Office. This filing was in response to an office action dated February 26, 2003 having a one (1) month statutory period for reply. Therefore, the response was due on March 26, 2003. Having filed our response on March 25, 2003, no extension of time was needed. However, \$110.00 was charged to our deposit account. We are enclosing a copy of the Office Action Summary and our response for your reference.

We respectfully request a refund of \$110.00 extension fee via a credit to Deposit Account No. 05-0150. If you have any questions or need additional documentation, please contact the undersigned.

Date: 5/6/03

Squire, Sanders & Dempsey L.L.P.
600 Hansen Way
Palo Alto, CA 94304-1043
Telephone (650) 856-6500
Facsimile (650) 843-8777

Respectfully submitted,



Marc A. Sockol
Attorney for Applicants
Reg. No. 40,823



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Page**Deposit Account Statement**

Requested Statement Month: April 2003
Deposit Account Number: 050150
Name: SQUIRE, SANDERS AND DEMPSEY L.L.P.
Attention: MARC A SOCKOL
Address: SQUIRE, SANDERS & DEMPSEY L.L.P.
City: PALO ALTO
State: CA
Zip: 94304-1043

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
04/01	168	6154844		1811	\$100.00	\$56,352.00
04/02	97	10400831	44533.00005	1001	\$750.00	\$55,602.00
04/02	98	10400831	44533.00005	1201	\$504.00	\$55,098.00
04/02	99	10400831	44533.00005	1202	\$1,134.00	\$53,964.00
04/07	59	10405298	41151.00308	1001	\$750.00	\$53,214.00
04/08	2	09437812	003824.P001	1251	\$110.00	\$53,104.00
04/08	12	10405449	55972.00002	2001	\$375.00	\$52,729.00
04/08	13	10405449	55972.00002	2202	\$216.00	\$52,513.00
04/08	14	10405449	55972.00002	2201	\$42.00	\$52,471.00
04/08	37	09851622	44176.00033	1453	\$1,300.00	\$51,171.00
04/08	38	09851622	44176.00033	1253	\$930.00	\$50,241.00
04/08	67	09502720	46638.00005	1801	\$750.00	\$49,491.00
04/09	199	09595839	5015	1801	\$750.00	\$48,741.00
04/09	200	09595839	5015	1252	\$410.00	\$48,331.00
04/10	272	08841950	40827.00004	2801	\$375.00	\$47,956.00
04/10	273	08841950	40827.00004	2253	\$410.00	\$47,546.00
04/11	1	PCT/US03/07908	50623.00292	1602	-\$700.00	\$48,246.00
04/11	2	PCT/US03/07908	50623.00292	1704	\$936.00	\$47,310.00
04/11	3	09502720	46638.00005	2202	\$18.00	\$47,292.00
04/15	42	10412184	60974.0002	1001	\$750.00	\$46,542.00
04/15	141	10412536	59864.00095 (NC30654US)	1001	\$750.00	\$45,792.00
04/15	142	10412536	59864.00095 (NC30654US)	1201	\$84.00	\$45,708.00
04/15	143	10412536	59864.00095 (NC30654US)	1202	\$198.00	\$45,510.00
04/16	5	09851622	44176.00033	1253	-\$930.00	\$46,440.00
04/17	1	10414111	61282.00002	1001	\$750.00	\$45,690.00
04/18	151	10412184	60974.00002	8021	\$40.00	\$45,650.00
04/18	173	10412536	59864.00095 (NC30654US)	8021	\$40.00	\$45,610.00
04/22	3	PCT/US03/08474	50623.00291	1602	-\$700.00	\$46,310.00

Date Mailed: March 25, 2003 By: DCJ/emj PTO DATE STAMP:
Application No.: 09/437,812 Docket No.: 50642.00002
Applicant: Mark E. Pennell, et al.
Title: A Web Based Email Control Center

The following has been received in the U.S. Patent Office on the date stamped hereon:

- | | |
|---|---|
| <input type="checkbox"/> Patent Application ___ Pages ___ Claims | <input checked="" type="checkbox"/> Response to Restriction Requirement |
| <input type="checkbox"/> Drawings Informal ___ Sheets | <input type="checkbox"/> Petition for Extension of Time |
| <input type="checkbox"/> General Authorization / Request to Petition for Extensions of Time | |
| <input type="checkbox"/> Oath/Declaration | <input checked="" type="checkbox"/> Transmittal Form |
| <input type="checkbox"/> Assignment & Recordation Cover Sheet | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Verified Statement Claiming Small Entity Status | <input type="checkbox"/> Fee Transmittal (in duplicate) |
| <input type="checkbox"/> Continued Prosecution Application (§1.53(d)) | <input type="checkbox"/> Issue Fee Transmittal with PTO-85b |
| <input type="checkbox"/> Provisional Application ___ Pages | <input type="checkbox"/> Copy of PTO-1533, Notice to File Missing Parts |
| <input type="checkbox"/> Design Application ___ Pages ___ Drawings | <input type="checkbox"/> Info. Disclosure Statement & PTO-1449/Refs ___ |
| <input type="checkbox"/> Status Letter | <input type="checkbox"/> Request to Correct Filing Receipt |
| <input type="checkbox"/> Check No. for \$ | <input type="checkbox"/> Check No. for \$ |
| <input type="checkbox"/> Power of Attorney | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Certificate(s) of First Class Mailing | |



DATES ENTERED _____

APR - 8 2003

CALENDARED

BY Sag
ATTORNEY
SQUIRE, SANDERS & DEMPSEY

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

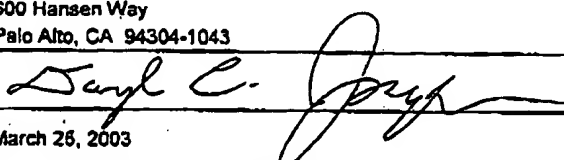
Approved for use through 10/31/2002. OMB 0651-0031

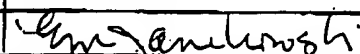
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/437,812	
	Filing Date	November 10, 1999	
	First Named Inventor	Mark E. Pennell	
	Group Art Unit	2141	
	Examiner Name	Quang N. Nguyen	
Total Number of Pages in This Submission	2	Attorney Docket Number	50642.00002

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form (in duplicate)	<input type="checkbox"/> Assignment and Recordation Cover Sheet (for an Application)	<input type="checkbox"/> Request to Correct Filing Receipt
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Drawing(s) _____ Sheets	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> With RCE	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Return Postcard
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Response to Restriction Requirement	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request (in duplicate)	<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> _____ Reference(s)	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> IDS and Form 1449	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Declaration/Oath		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Daryl C. Josephson, Reg. No. 37,365 Squire, Sanders & Dempsey, L.L.P. 600 Hansen Way Palo Alto, CA 94304-1043
Signature	
Date	March 25, 2003

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <u>March 25, 2003</u>			
Typed or printed name	Eileen M. Janikowski		
Signature		Date	March 25, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Attorney Docket No.: 50642.00002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents, Washington, D.C. 20231, on

Date: March 25, 2003

By: Eileen Janikowski
Eileen Janikowski

In re Application of:

Examiner: Quang N. Nguyen

Mark E. Pennell, et al.

Serial No.: 09/437,812

Art Unit: 2141

Filed: November 10, 1999

Title: A Web Based Email Control Center

Commissioner of Patents
Washington, DC 20231**RESPONSE TO RESTRICTION REQUIREMENT**

Madam:

In response to the Restriction Requirement dated February 26, 2003, Applicant elects Group III, consisting of Claims 68-83.

The undersigned authorizes any fees that may be required, or credit any overpayment to Deposit Account No. 05-0150. Should the Examiner have any questions regarding this communication, the Examiner is invited to contact the undersigned at the telephone number shown below.

Date: March 25, 2003
SQUIRE, SANDERS & DEMPSEY L.L.P.
600 Hansen Way
Palo Alto, CA 94304-1043
Telephone (650) 856-6500
Facsimile (650) 843-8777

Respectfully submitted,

Daryl C. Josephson
Daryl C. Josephson
Attorney for Applicant
Reg. No. 37,365

In Re: Pennell, et al.
Serial No.: 09/437,812
Palo Alto/51305.1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,812	11/10/1999	MARK E. PENNELL	003824.P001 5064202	8501

30256 7590 02/26/2003

SQUIRE, SANDERS & DEMPSEY L.L.P.
600 HANSEN WAY
PALO ALTO, CA 94304-1043

EXAMINER

NGUYEN, QUANG N

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 02/26/2003

Response Due 5/14/03

Please find below and/or attached an Office communication concerning this application or proceeding.

DATES ENTERED

Response Due

5/26/03

MAR 05 2003

BY MC CALENDARED
ATTORNEY
SQUIRE, SANDERS & DEMPSEY

Office Action Summary

Application No.

09/437,812

Applicant(s)

PENNEL ET AL

Examiner

Quang N. Nguyen

Art Unit

2141

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-83 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: